IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2889 of 1989
and
SPECIAL CIVIL APPLICATION No 5204 of 1989

For Approval and Signature:

HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BELTEK (INDIA) LTD

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 2889 of 1989
MR VK BHATT for MR SI NANAVATI for Petitioner No. 1-2
MR SN THAKKAR for Respondent No. 1-4

2. Special Civil Application No. 5204 of 1989
MR VK BHATT for MR SI NANAVATI for Petitioner No. 1-2
Ms PJ DAVAWALA, for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE D.A.MEHTA

Date of decision: 22/07/2004

COMMON ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE M.S.SHAH)

Both these petitions are filed by the same petitioner-Company engaged in the business of manufacturing television sets. The petitioner-Company had imported picture tubes which were seized by the respondent authorities. By the interim orders of this Court, the goods were ordered to be released subject to certain conditions one of which was that the petitioners shall not sell the goods in question and shall use the same for their captive consumption and liberty was reserved to the respondent to commence and carry on the adjudication proceedings. In the interim order dated 7.9.1989 in Special Civil Application No. 5204 of 1989, it was specifically stated in the said interim order that "the respondents will be at liberty to proceed with the adjudication in respect of these goods in accordance with law. Any order of adjudication, however, will abide by the result of order in the writ petition and appropriate directions will be obtained from this Court for sale of goods in case orders of confiscation are passed by the concerned authorities".

2. At the hearing of these petitions, Mr VK Bhatt, learned counsel for the petitioners states that as per the instructions received by him, no adjudication proceedings have taken place and no orders adverse to the petitioners have been passed.

3. Ms PJ Davawala, learned additional standing counsel for the Central Government states that even though she has made attempts to get instructions from the respondent authorities, she has not received any instructions in the matter.

3. Since the petitions were filed on account of seizure of the goods in question and this Court had permitted the petitioners to use the goods for captive consumption and also permitted the authorities to proceed with the adjudication proceedings which were to abide by the outcome of these petitions and these petitions have been kept pending for all these years, the question of examining the merits of these petitions would have arisen if any adverse orders were passed against the petitioners in the adjudication proceedings. Since it is stated on behalf of the petitioners that no such orders have been passed even though a period of 15 years has elapsed, we are of the view that these petitions have become infructuous and, therefore, they do not survive.

In case any adverse orders are passed against the

petitioners in respect of the subject matter of these petitions, the petitioners will be at liberty to file fresh petition/s.

4. Subject to the aforesaid liberty, the petitions are disposed of as infructuous.

Rule is discharged in each petition with no order as to costs.

(M.S. Shah, J.)

(D.A. Mehta, J.)

sundar/-